

Mathew B. West, Esq.
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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HILTON HEAD HOLDINGS b.v., on its own behalf
and derivatively on behalf of Art Capital Group, Inc.,

Plaintiffs,

v.

IAN PECK, ART CAPITAL GROUP, INC., FINE
ART FINANCE LLC, ART CAPITAL GROUP, LLC,
ACG CREDIT COMPANY, LLC, ACG FINANCE
COMPANY, LLC; ACG CREDIT COMPANY II,
LLC, ACG CREDIT COMPANY III, LLC, ACG
FINANCE COMPANY III, LLC, AMERICAN
PHOTOGRAPHY LLC, and other unknown affiliated
business organizations that cannot be readily identified
at this time,

Defendants.

Docket No. 11-CIV-7768 (KBF) (MHD)

**NOTICE OF MOTION
TO DISMISS AND STAY DISCOVERY**

PLEASE TAKE NOTICE THAT upon the Declaration of Mathew B. West, sworn to on January 6, 2012, and the exhibits annexed thereto, and the accompanying brief in support of its motion, Defendants, by their undersigned counsel, hereby move for an order pursuant to Rules 12(b)(6) and 26(c)(1) of the Federal Rules of Civil Procedure dismissing plaintiff's complaint and staying discovery pending decision on the motion to dismiss and such other and further relief as this Court may deem just and proper. In accordance with the Court's order, dated December 16, 2011, Plaintiff's answering papers must be served by January 27, 2012, and reply papers, if any, are to be served by February 3, 2012.

Dated: New York, New York
January 6, 2012

Respectfully submitted,

/s/ Mathew B. West

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